

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KIRK JOHN NORTHUP,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-10-85

**ORDER ADOPTING AMENDED MEMORANDUM AND
RECOMMENDATION TO DENY
PETITIONER'S MOTION FOR A DEFAULT JUDGMENT**

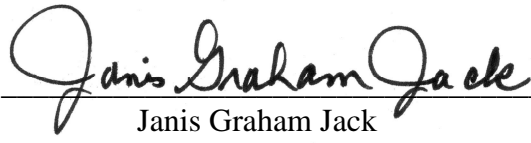
On June 23, 2010, United States Magistrate Judge Brian L. Owsley signed an Amended Memorandum and Recommendation recommending that petitioner's motion to vacate judgment and sentence (D.E. 31), treated as a motion for a default judgment, be denied because he is not entitled to a default judgment. On July 6, 2010, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that petitioner's motion to vacate judgment and sentence, treated as a motion for a default judgment, is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 8th day of July, 2010.



Janis Graham Jack
United States District Judge